

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

KIM COLLINS

PLAINTIFF

v.

CIVIL ACTION NO.1:16-cv-00007-GHD-DAS

MATTHEW HOOD, Individually,
and in his Official Capacity as a
Mississippi Highway Patrol Trooper

DEFENDANT

ORDER GRANTING PLAINTIFF'S MOTION TO STAY CASE
PENDING RULING IN UNDERLYING STATE-COURT ACTION


Plaintiff Kim Collins ("Plaintiff") has filed a motion to stay [8]. It is undisputed that this matter arises from actions that are the subject of a criminal case currently on appeal to the Mississippi Court of Appeals, Cause Number 2015-KM-01598-COA, and that this appeal must be decided for the case *sub judice* to move forward. Accordingly, Plaintiff requests a stay of the proceedings in this action for as long as the appeal is pending.

Defendant has filed a response to the motion wherein he contends that dismissal of the claims is appropriate for the reasons stated in his motion to dismiss [9] that is currently pending before this Court. Defendant further maintains that the Court should dismiss the official capacity claims and stay the individual capacity claims against Defendant until such time as the appeal of the criminal case is resolved.

The Court finds that a stay is proper as to all of the pending claims at this juncture.

ACCORDINGLY, the Court ORDERS that Plaintiff's motion to stay [8] is GRANTED. All proceedings in the case *sub judice* are STAYED pending the resolution of the criminal case in the Mississippi Court of Appeals. Plaintiff must inform this Court of the Mississippi Court of Appeals' ruling within ten days of that court's ruling.

SO ORDERED, this, the 8th day of May, 2016.



SENIOR U.S. DISTRICT JUDGE